Kw

Previous references.

23/96

GR File No. ~~2470~~ 1896-97

Serial Nos. 1–6

190

(Rev. Miscellaneous)

Later references.

Rev. Mis 211 of 97-98

2—B. Sos 1–6.

GENERAL AND REVENUE SECRETARIAT.

---

rial Nos. 1–6

Part B. for

SUBJECT.

Grant of certain Gomal Lands for cultivation in the Godi Gummanahalli village, Krishnarajpet Taluk Mysore Dt.

Communicate
Captain

Inwrd

G. R. S. 58

for collection

Note.

Letter No 2222 of 1st October 1935 from the Collector of Coimbatore District.

Subject:- Appropriation of certain ~~extent~~ lands in Re-Survey No 227 situated in the Pannamkulathupalayam village, Coimbatore taluk, for cultivation purposes.

Pannamkulathupalayam village in the Survey settlement was introduced in 1893 under the provisions of Chapters III & IX of the Land Revenue Code. The Joint Tahsildar, Coimbatore, requested on behalf of certain ryots, the grant for cultivation purposes, of 30 and 20 acres of land, respectively, from Re-Survey No 227 which are situated in the village.

Vide Collectors Ryots
G. O. 3-3-34 and 5-5-35
and Amalgd retd —
G. O. 913 / 935 & 10-5-35

Sub-Collectors No 305-D. -5-35 2. Information

Jodidario Syfiati and the
Muildario report the Sur-
veyor Officer, Crown Lands
requested the Superintend
ent, Revenue Survey, to get
the portions of lands ~~applied~~
~~for out of the Crown Land~~
~~Survey~~ referred to above, divided,
numbered and accessed
for cultivation purposes.

3 Thereupon, the Superin
tendent, Rev: Survey directed
that to grant Crown lands
for cultivation purposes,
in Port Villages, Govern-
ment sanction was nec-
essary, but that it was doubt-
ful whether such sanction
was requisite for granting
Crown lands for cultivation
purposes in an Urban Vil-
lage to which the Survey Settle
ment had not introduced, and
therefore requested the Sur-
veyor Officer to kindly

lw 3335 D 7-7-55

got the question decided.

4. The Sub-Division Officer stated that as the Village was an unauthorised village and as the boundaries ~~stood~~ stood in place of ~~in the Village~~ and was in favour of giving the land for cultivation, Government sanction could not be given and therefore requested the Superintendent to direct the Village get the land, shared & numbered.

In reply the Superintendent stated that as the Village was settled under the provisions of Chapter ~~III~~ II of the Land Rev: Code & during such settlement certain lands were left in the Village proper, and were the provisions of Section 237 of the Land Code are also applicable to unauthorised Villages (that is to say certain land in the Village in question ~~the village~~ ~~Consent Land Settlement~~ ~~was received~~

No 3501 d. 15-7-35

Sec: 237. (1) When a Survey Settlement has been introduced under the provisions of Sec: 236 or of any Law for the time being in force in an alienated or Kanganatta Village the holders of the lands to which such settlement extends shall have the same rights and be subject to the same responsibilities in respect of the lands in their occupation as occupants in unalienated villages have or are subject to, under the provisions of this Regulation and all the provisions of the Regulation relating to occupants and Registered occupants shall be applicable so far as may be, to them.

4 On this the Amildar was directed to submit Formal Statement in the prescribed form.

Sub Div Officer 30 2-8-95

7 The Amildar acted the Sheristadar, to report whether there was any objection on the part of the Villagers to grant the lands in question for cultivation purposes.

No 537 13-8-95 &
No 2853 16-11-95

8. The Sheristadar reported that there were no objections in the Villages to grant the lands in question for cultivation purposes.

No 3723 1-2-96

The one which Confirmed only a few of the Villagers who headed by Patel Thim -ma found a Subsidiary Conspiracy - 3/4 th of the Villagers who headed by the Jodidar, the former offered & the present but they would not come forward to execute a Kabulayat to that effect, while the latter had

had executed a Mukhtar
stating that they had no objec
to the grant. The Circle
and the Sub-Division Office
are in favour of the grant
The Deputy Commissione
upholding the above objec
opinion, recommends the gra
of the lands for cultivation
as the majority of the vil
-lagers are in favour of t

7. The Statistics of the
village are:—

	a	
Area under cultivation	2144	2
Do — assessable	23	2
Do — Canal	537	3
No of cattle in the village	1968.	

Extent now proposed to be
planted is 500 acres

10. Deducting this extent
from the total Canal irri
village, the remaining 537-5
leaves insufficient [grazing]
Vide, regard to 1/4 of the area
under cultivation and
[illegible] reference to
the number of cattle

the Village at the rate
of 30 acres for each family.
But the principal point
in order is, whether Govt
interference is called for
in regard to the grant
of lands in lieu of
encroachments Villages, unless
there is a regular complaint
from the Villagers as to
the ~~case~~ insufficiency of
the formal land left for
their grazing purposes.

11. In the case in which certain
formal land has been granted
for Cheri cultivation in lieu
thereof the Jogavanada
Inam land, in the Surva-
manyam Village of Nandala-
puram in the Srikakulam
District, the Revenue officers
to observe that the Inamdar
is bound by Rules applicable
to a Government Village,
While in another case
(applicant No 6 of 1873-74
Salaried frontier decision put
up) it has been decided

File Proceedings in R. No 224 of
(Revenue) 1892-93
Dept

that no lands which were not previously free lands by Statute [illegible] the Estates [illegible] free lands without the consent of the Landlords, as the Ryots have no right to claim free lands [illegible]

12. Of Government interference in regard to the transfer of land in Inam Villages is insisted upon, it is apprehended that none of the Landlords would consent to apply for the introduction of detailed Survey & Settlement into their Villages.

Submitted for orders.

12/11/36 16/11/36

Sd/- [illegible]
23/11/36

Sd/- [illegible]

Section 237 does not seem to apply except in cases of

extreme hardship, I do not think Govt would be justified in interfering in the order passed by the Collr and the Hon'ble Board of Revenue and Rao Bahadur Ramaswamiengar's claim & observations pertaining to the question now before Govt, were duly made and taken cognizance of. The Collector has also submitted his remarks.

Recd 6.30 Pm. 17/12/96.

17-12-96.

Please ascertain the procedure which is now followed in such cases:

Under Sec 236 of the New Code the holder of the alienated or Kayem portion may apply for the benefits of Chapter VIII & X and the Govt have the order passed by the Collr. Under Intimation to Govt.

and obtain the sanction for the enhancement of rates under Sec 112. After the same an application is received from the Inamdar for further extension to the lands introduced into the rights of an Inamdar over the lands maintained under Sec 238 & while the provisions of Sec 237 define the rights & liabilities of holders of land in an alienated & settled village. Ask the S. Govt to consider their proposals also. Draft the G.O. with this records in the matter.

19.9.97

Recommended

21-9-97

Accepted

I am sorry this file was not placed for orders earlier & was allowed to be kept so long.

The question raised seems to be the right of an Inamdar to deal with the grazing lands assigned as free formal by the S. Dept at the time of the survey & settlement of such villages -

There seems to be no direct provision in any of the VIII to X Sections such authority to the Survey Dept. It is only these sections which can be extended to alienated villages on the application of Inamdars under Sec 236 of the new Code - The provisions of Sec

120 do not contain
allusion - what then
is the power in appli
- cable where such
cases - It seems
true that the only
relief given however
in such matters to
settlement officers
is in 39 which in its
express terms refers
only to unalienated
lands - and the lands
at apart must at
the time be the pro
perty of Govt. Sec 238
prevents the appli
- cation or extension
of this provision to
alienated lands either
expressly or by
implication - Why
I am among the acts
of Survey officers in
this assigning Waste
lands away for grazing
formal must have
some other authority
than what is referred
to above - & shall
be obliged if the
S. Supt will kindly

I The questions are

1) During the introduction of Survey settlement into an alienated village under the last para of sec 236 L.R.C (i.e. on the application of the holder), the Survey Dept sets apart certain Lands as forest Lands. Is there any provision in the L.R.C. authorizing such reservation?

(2) Supposing the holder of the alienated village subsequently goes on the application for cultivation, Can Govt interfere to resume him

II. ide Secs 106 & 117. L.R.C

The Sur Dept has power
not only to settle the Land-
revenue but also to
"record & preserve the rights
connected therewith" or "for any other Similar purpose"
It is probably in exercise
of this power that the
Sur Dept marks in the Village-
map all existing paths,
roads, water-courses, tanks &c.
The "Settlement Register" or
Lawani Faisal Patrak
records against each S No
the name of the occupant
or if there is no occupancy
the rights of the public or
Govt over it. In this way
Communal Lands are separated (which were wrongly recorded in the Settlement
for pasture and the rights
of private individuals
& others in Govt trees are recorded

Whether under the above
Sec^n (106) Survey Officers
can set apart as formed
Lands which were not
such before the Settle-
ment- may be a little
doubted. Of Course
if they set apart as
formed, Lands which
were such before the
Settlement, they are
merely recording the
existing rights
Looking however to the
def^n of "Survey Officers"
who are said to be
appointed "for the purposes
of Chaps VIII, IX, X" (Sec^n 11)
the power to set apart
as formed certain Lands
under Sec^n 39 seems to

he includes in a Survey
Officer's duties & powers
under Chaps VIII, IX & X
When therefore the provisions
of Chaps VIII &c are
extended to an alienated
Village, the meaning seems
to be that the Survey
Officer have, during the
Survey, the same powers
as if the Village were
a Govt Village

II. It is easy to show
that the above interpretation was the actual
of the Law under Bombay Act
I of 1865 (at the L.R.C
repealed) Sec. 49 of
Act* I of 1865 extended in
such cases all the provisions
of the Act - inclusive of Sec. 32
corresponding to Sec. 39 of L.R.C -
to settled alienated Villages

* This Act may be found
in the Appendix of Bombay
Settlement Manual

Submitted to Secretary

I have not much to add to Mr Iyagiraja's note below -

Sec: 38(1) is introduced on the application of the Kanakar Co-operative Society.

The Sec: Officer has under the provisions of the L.R. Code power to set apart lands for free grazing purposes (vide sec's 106, 117, 139).

Once the Sch is introduced, Sec: 237 of the L.R.C comes into play to protect the holders - or a line with Kanakay and paying Rents in Govt villages -

Officer: lands set apart as free-grazing lands etc: for a public purpose, cannot be otherwise appropriated without the special sanction of Govt - (vide latter part of Sec: 39). The

19 Lamsden cannot deal with such lands. This is clear from the ~~direction~~ proviso to sec. 85 of the Land Rev Code. He is bound to give effect to the settlement in its entirety.

11 6/11/00

The Survey Deptt has not been ~~to~~ have been asked to enlighten Govt upon these points of doubt (see the portion of order I have marked) please consult him at once. Q

9-11-00.

11 9/11/00

Sl no 4 Rev: mis. 211 of 97-98

Draft Submitted
88 10/11/00

The Supdt of Land Records gives his opinion in his no. 760 of 3rd May 1900. Submitted for orders 11 9/11/00

vide Sl no. 5 Rev: mis. 211 of 97-98

Submitted to 1st Grade

11 1/11/00

R2-7-Rev
1.41.00

Mysore Dewan's office

ROUTINE NOTES. Revenue Department

2

[To be used only for notes, requisitions, etc.]

Please see the Office Note below & the orders thereon dy 9.1.01.

The file was ordered to be placed before the Dewan for the solution of the General question whether Amildars can give out on their own authority, without reference to Govt, Gomal lands for cultivation purposes.

Hill. 24.01.

Similar question involved in the Govt. Endrsmt. with No 9388/11.4.01 from the Dy Comr, Tumkur District. The papers are put up with this with a separate Note. Sub mitted for Secretary's

N 24/4/01

As rules, hitherto duly in correspondence ending with the Finance Minister's letter No 935 dated 10th April 1901 vide page 10 Office Note Rev. Secy. 21/4/01

N 24/4/01

N.B.—Should notes, etc., be written on small slips the notes must be copied, or the slips passed on this form.

Draft subd 15.8.01

* Govt No 3 Revenue 2.1.1901

Gl. No. 2629
1876
8 OCT. 96
1896
97

From

The Deputy Commissioner
of the Mysore District.

To

The Secretary to the Government of Mysore,
Revenue and General Departments.

Dated 5th October 1896
Despatched
Received

Enclosures No. Statement and Canarese papers

No. 696

Submits a statement showing the particulars of gomal land applied for, for cultivation in the Gummankalli village, Chinkurli hobli of the Krishnarajpet Taluk.

Rec'd 9-10-96

Submitted with draft

12/11/96

Rec'd 13/10

No. 696
Enclosures No. 1 to 2

DEPUTY COMMISSIONER'S OFFICE,
MYSORE DISTRICT,
Dated Mysore 5th October 1896.

From

The Deputy Commissioner
of the Mysore District.

To

The Secretary to the Government of Mysore,
Revenue and General Departments.

SIR,

I have the honor to submit herewith a statement showing the particulars of gomal land applied for, for cultivation in the Gummanahalli village, Thirthuru — hobli Krishnarajapet Taluk, and to request that sanction may be accorded to the same for the reasons stated in the remark column of the statement.

2. The vernacular papers ending with the French Rocks Sub-division Officer's Report No. 237 dated the 24th September 1896 are herewith submitted for reference and kind return.

I have the honor to be,
Sir,
Your most obedient servant,

Deputy Commissioner,
Mysore District.

12 Draft as proposed

Read:- 2 Drafts

Letter No 696 dated 5th October 1896 from the Dy. Comm., Nyapee District requesting Sanction to the appropriation for cultivation purposes, of 3 acres of pond land in the pot village of Gummanahalli in the Krishnarajpete Taluk, to include some of the villagers object on the ground of insufficiency of pasture.

Order thereon:-

The point for decision is whether in matters like this, Govt interference is justifiable. The Supdt of Revenue Survey seems to be of opinion that under Section 237 of the L.R. code, Govt Sanction is necessary to the appropriation of pond lands for cultivation purposes in alienated villages. Colonel Grant is therefore requested

2 Draft

No 3363 / M. 1163. 28.7.97.

In 14 folios of P.

to report for the information of Govt the procedure which is now followed in such cases, and also favor Govt with his views in the matter taking the following facts into Consideration.

~~the following sections~~

(1) When under Section 236 of the L. R. Code, the holder of an alienated or a Kayam-gutta village applies for the extension to his village of the provisions of Chapter VIII to X of the Code, and Govt Sanction is accorded thereto, the result of the Settlement is not organically reported to Govt and their further Sanction obtained to the introduction of the rates under Section 112.

(2). When once the application of the Inamdar for the introduction of Survey and Settlement is entertained, is his further consent necessary to the introduction of the proposed rates of assessment?

(3) The rights of an Inamdar

are not affected by the provision of Section 238 of the L. R. Code, while those of Sec. 237 define the rights and liabilities of holders of lands in an alienated and settled village.

The file of papers received with the Commr's letter above referred to is herewith returned for reference while giving [illegible]

Secretary

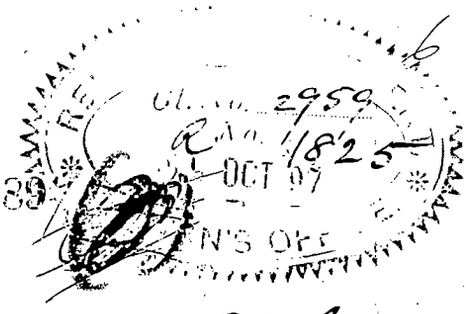
22/9/97

To.

The Supdt. of Revenue.

1 SL 3

Gen. Serial No. 80.]



From

The Superintendent Rev. Survey

To

The Chief Secretary to the Govt
Dewan of Mysore.

Dated Bangalore 28th Oct. 1897

Despatched

Received

Enclosures No. one file

General No. 267
No.

In reply to Govt. order No. 3363
R 1063
SUBJECT. of 28/9/97

Reporting on the disposal of unoccupied sites in Chinnatti village.

Rec'd 29/10/97

References—(to be entered only in the Dewan's Office).

Sealed 1-2-2-97

3-11-97

Rec'd 8.11.97.

Rec'd 2/11/97

Submitted to Secretary for orders —
Please see 2nd Consolidated order 8/19.9.97 on this
Office note below 2/11/97

No 267

Survey Superintendents office

Bangalore 25th October 1897

To

The Secretary to the Government

of Mysore (Revenue and general Depts

Sir,

I have the honor to acknow-

-ledge receipt of the proceedings of the

Mysore government Order c/o 3363
R1063

dated 29th September 1897 referring to a

case in which the Deputy Commissioner

Mysore District requests the sanction

of Government to the appropriation

for cultivation purposes of 50 acres of

Gomal land in the gadi Village of

Gunimanhalli in the Krishnarajpet

Taluk.

2. It is suggested, in the

Order under reply, that interference

on the part of Government with the disposal of the unoccupied lands of his village by the Amildar, as he pleases, is not justifiable. We do not take this view of the case but consider that, under Section 237 of the Land Revenue Code which applies to alienated Land only, and is therefore in no way based by Section 238, the holders of Land in Sharn settled villages have as much right to be protected in the matter of free grazing assigned to them at the settlement as have Ryots of such villages. The sanction of such to the appropriation of general Land in Maidan Taluks for cultivation has been ruled unnecessary and the same necessity must of course

for adjacent Government villages — previously settled and held applicable to Inam villages coming under — settlement at any time after the settlement of the Taluk is approved.

The Inamdars agreement to the introduction of the proposed rates of assessment is obtained and the rates are announced as laid down in Section 113 of the Land Revenue Code.

4 I beg to return the file of papers received with the proceedings under reply.

I have the honor to be

Sir,

Your most obedient Servant

J. P. Hunt

Supt. Mysore Revenue Survey

course exist in the case of Inam villages.

Government can certainly, in my opinion, insist upon the Inamdar adhering to the terms of the settlement during its currency but when the settlement expires the mutual relations between the Inamdar and his Ryots in the absence of any special agreement revert to the "status quo ante".

3. The facts which in the present proceedings I am requested to take into consideration when expressing my views on the question now raised do not affect the opinion I have above expressed.

In Bombay and in allysed any Special Report for Inam village in Taluka already settled is dispensed with and the rates sanctioned for

Sl 4 Draft of Proceedings 11

To.

The Superintendent of
Revenue Survey
in Mysore.

Dated 11/11/1900.
No 7285
A. 2418.

Letter No 267 dated 23th October 1899 from the Superintendent of Revenue Survey stating that under Section 237 of the L.R. code which applies to alienated land only, & is therefore not land by Section 238, the holders of land in Settled Inam villages, have a similar right to be protected in the matter of free grazing assigned to them at the Settlement, as the Ryots of Govt villages have, and that the sanction of Govt to the appropriation of waste land for cultivation is necessary in the case of Inam villages.

With reference to the above,

has the honor to request that the Superintendent of Revenue Survey will be good enough to favor Govt with his views on the following points:—

The question for decision is whether the holder of an alienated village has a right to dispose of without the previous sanction of Govt, the Lands set apart as formal by the Survey Deptt at the time of the Survey and Settlement of his village.

There seems to be no provision in Chapters VIII to X of the L.R. Code giving authority to the Survey Deptt to set apart formal lands in alienated villages. It is only the provisions of these Chapters that can be extended to such villages on the application of the Inamdars under Section 236. The Govt therefore think that the only Section giving power in such matters

SLS

Gen. Serial No. 30.]

R. 1900 3906 OFFICE

189

From The Supt. Engineer
Kar. Circle

To

The ~~Chief~~ Secretary to the
Govt. Dewan of Mysore.
Gen & Rev. Dept.

Dated 3rd May 1900

Despatched Entertained

Received

Enclosures No. "

General No.

No.

In reply to Docket no. 2385 of 1900
E 2418
April 1900.

SUBJECT.

Reports further on certain points in connection with the right of Service of the holder of an alienated village to dispose without the permission of Govt. of the land set apart as free Gomal by the Survey Dept. under section 39 of the Land Rev. Code.

References—(to be entered only in the Dewan's Office).

R
7.5.00

Submitted.
Refers put up.
H.S 9/5/00

Submitted
Secretary.
With reference
to office note below
& Secy's Order
thereon.
H
9/5/00

Re 760

Survey Superintendents
Office
Oodacamund 3rd April
1900

To

The Secretary to the Govt.
of Mysore, & C's Revd
Department

Sir

I have the honor to acknowledge the receipt of your Memorandum No 7285 dated
No 2418
the 11th April 1900 asking for my further views on certain points in connection with the right or otherwise of the holder of an Alienated village to dispose without the previous sanction of Government of the lands set apart as free Grants by the Survey Department under Section 39 of the Land Revenue Code.

said of other matters, for in-
stance that the Inamdar must
levy only the Survey-rates,
yet no one would think of
doubting that Section 237
provides for this. Section 237
places the Inamdar's Ryots
and occupants and Registered
occupants (both of which latter
are defined as holders of un-
alienated land only) on the
same footing, with reference to
lands in their occupation, and
I have always regarded it as
the intention of Section 237, to
make the rights of the holders
of land in settled Inams vil-
-lages just as comprehensive

as those of what I will call Government Ryots.

4 Briefly, my opinion is that Section 39 of the Code lays down what may be done by the Survey Officer on behalf of Government, and in the case of an Inam village the holder of applying for the introduction of the Settlement is practically the Government.

I have the honor to be
Sir
Your most obed[t] Servant
J. Pringle
Supt Tellycherry Revd Survey.